

The 24th May, 1976

No. 3689-4Lab-76/14946.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s. Administrator, Municipal Committee, Charkhi Dadri and S. D. O., Public Health, Municipal Water Works, Charkhi Dadri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Application No. 1 of 1975 under section 33-A of the
Industrial Disputes Act, 1948

between

SHRI BRAHMA NAND WORKMAN AND THE ADMINISTRATOR, MUNICIPAL
COMMITTEE, CHARKHI DADRI, AND S. D. O., PUBLIC HEALTH, WATER-
WORKS, CHARKHI DADRI

AWARD

This complaint made under section 33-A of the Industrial Disputes Act, 1948 on the ground that the opposite parties have been guilty of contravention of the provisions of section 33 of the aforesaid Act is obviously not legally maintainable in view of the admission made by the applicant that no reference relating to industrial dispute is pending in this court and that only an application dated 13th May, 1974 under section 33(C)(2) of the aforesaid Act, is pending decision before this court. A complaint under section 33-A of the Act can be filed and is legally maintainable only if the management alters the conditions of services pending an industrial dispute and not otherwise. I therefore, dismiss this complaint as not maintainable.

Dated the 6th April, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 875, dated 8th April, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 6th April, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 3876-4Lab-76/14948.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Jai Denesh, Steel Industries (P) Ltd., Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 63 of 1975

between

SHRI PREM SINGH, WORKMAN AND THE MANAGEMENT OF M. S. JAI DENESH,
STEEL INDUSTRIES (P) LTD., BAHADURGARH

AWARD

This award shall dispose of reference Nos. 63 to 66 and 68 to 72, all of 1975, between Prem Singh Lal Bahadur/Ram Dayal Parshad/Inder Singh/Surya Nath/Jiya Ram Hukam Chand/Jai Bhagwan and

Rameshwar respectively and the management of M/s Jai Denesh Steel Industries (P) Ltd., Bahadurgarh, consolidated together,—*vide* my order, dated 3rd September, 1975.

The Governor of Haryana separately referred the following dispute between each workman and the management stated above for adjudication by this court in each reference in exercise of the powers conferred on him,—*vide* clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Sarvshri Prem Singh, Lal Bahadur, Ram Dayal Parshad Inder Singh, Surya Nath, Jiya Ram/Hukam Chand, Jai Bhagwan, Rameshwar, was justified and in order ? If not, to what relief are they entitled ?

The parties in each case put in their appearance in this court and filed their pleadings giving rise to the following common issues:—

(1) Whether the workmen voluntarily abandoned services of their own ?

(2) If not, whether the termination of their services by the management was justified and in order ? If not, to what relief their entitled ?

The case was fixed for recording evidence of the management for 7th April, 1976 when the parties prayed for an adjournment for filing a settlement under negotiations between them.

All these cases being thus adjourned to 9th April, 1976 on their request, they filed a settlement Ex. M-1 on that date. Shri D. C. Chadha and Shri Duli Chand, Director on behalf of the management and Shri R. S. Dihyia, authorised representative for each workman made a statement affirming the correctness of the written settlement Ex. M-1 and prayed for an award in terms of this settlement.

I thus having regard to the settlement Ex. M-1 duly affirmed by the authorised representative for the parties before me on 9th April, 1976 direct that each workman shall be reinstated with continuity of his service with effect from 4th September, 1974 conditional on his reporting for duty to the management within one week of 9th April, 1976 the date of the settlement. He shall however, not be entitled his wage for the period from 4th September, 1974 till the date of his actual reinstatement.

I thus answer all these references while returning a common award in terms of the findings made by me.

Dated 13th April, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 963, dated 16th April, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 3874-4Lab-76/14950.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s G. K. Rehlan & Co. (P) Ltd., Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 40 of 1975

between

SHRI RAM PHAL VERMA WORKMAN AND THE MANAGEMENT OF M/S G. K.
REHLAN & CO. (P) LTD., BAHADURGARH

AWARD

By order No. ID/RK/291-A-74/38547, dated 2nd December, 1974, the Governor of Haryana, referred the following dispute between the management of M/s G. K. Rehlan & Co. (P) Ltd.,

Bahadurgarh and its workman Shri Ram Phal Verma to this Labour Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Phal Verma was justified and in order? If not, to what relief is he entitled?

Whereas the workman put in his appearance through his authorised representative Shri Rajinder Singh Dahyia on 4th February, 1976, the management did not appear despite service of notice of reference sent to them with the result that *ex parte* proceedings were taken up against them on that date. Shri Ram Phal Verma the workman concerned made his own statement in *ex parte* evidence in support of his claim statement that his services as a Turner on wages of Rs 280 per mensem had been terminated by the latter with effect from 15th June, 1974 without sufficient cause and without assigning any reason illegally.

I see no reason to disbelieve the statement of the workman particularly when the proceedings against the management are *ex parte* and they have not taken care to defend the demand raised on them by the workman leading to this reference.

I accordingly relying on his statement hold that the termination of his services by the management was unjustified and that he is entitled to reinstatement with continuity of his service and full back wages. I thus answer the reference while returning the award in terms of the findings made by me.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated the 13th April, 1976.

No. 966, dated the 16th April, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4046-4Lab-76/14952.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Sivalik Auto Industries, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 176 of 1975

between

SHRI RAJ PAL SINGH, WORKMAN AND THE MANAGEMENT OF M/S SIVALIK
AUTO INDUSTRIES, FARIDABAD

AWARD

By order No. ID/FD/75 69817, dated 1st December, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Sivalik Auto Industries, Faridabad and its workman Shri Raj Pal Singh to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Raj Pal Singh was justified and in order? If not, to what relief is he entitled?

Whereas the workman put in his appearance in this Tribunal on 21st January, 1976 in response to the notice of reference sent to him, none appeared for the management on that date despite due service of notice of the reference with the result that *ex parte* proceedings were taken up against them.

The workman Shri Raj Pal Singh made his own statement on 20th April, 1976 in *ex parte* evidence while deposing that his services had been terminated by the management illegally without any fault on his part and without serving upon him any notice. He gave out that he was drawing Rs 200 per mensem as Latheman on 2nd September, 1975 when his services were terminated.

I see no reason to disbelieve the workman particularly when the management have not cared to defend the demand raised by him on them and there is otherwise nothing on record to lead me to suspect his evidence.

I, therefore, relying upon his evidence hold that termination of services of the workman was unjustified and that he is entitled to be reinstated with continuity of service and full back wages.

I thus answer the reference while returning the *ex parte* award in terms of these findings.

MOHAN LAL JAIN,

Dated 20th April, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 517, dated 21st April, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated 21st April, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4049-4Lab-76/14954.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Promain Limited, 12/1, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 84 of 1974

between

SHRI DAWARKA PARSHAD WORKMAN AND THE MANAGEMENT OF M/S PROMAIN
LIMITED, 12/1, MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/779/20050, dated 11th July, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Promain Limited, 12/1, Mathura Road, Faridabad and its workman Shri Dawarka Parshad, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the retrenchment of Shri Dawarka Parshad was justified and in order ? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* order date 26th July, 1975:—

- (1) Whether the matter as referred to this Tribunal is not an industrial dispute for reasons as stated by the management in the preliminary objections of their written statement ?
- (2) Whether the retrenchment of the workman was legal, proper and justified ?
- (3) In case issue No. 1 and 2 are decided against the management to what relief is the workman entitled ?

Whereas the management appeared on 19th April, 1976, none appeared for the workman on that date despite personal service of notice of reference sent to him again as a result of my inability to take up the case on 2nd February, 1976 the date of hearing fixed, on account of my tour to Rohtak. *Ex parte* proceedings were, therefore, taken up against the workman on 19th April, 1976.

The management relied upon a written settlement Ex. M-1 whereby the workman was alleged to have received a sum of Rs. 800 in full and final satisfaction of all his claims against the management leading to this reference,—*vide* receipt Ex. M-2. Shri K. P. Aggarwal, signatory of both these documents appeared as a witness for the management and made an *ex parte* statement that the workman in his presence received a sum of Rs. 800,—*vide* receipt Ex. M-2 in pursuance of the written settlement M-1 and that he signed both these documents. He added that Shri F. A. G. Jayaraj, and he signed the settlement Ex. M-1 on behalf of the management and that both these documents were attested by Shri Y. N. Singh.

I see no reason to disbelieve the statement of Shri K. P. Aggarwal, particularly when the proceedings against the workman are *ex parte*. I, therefore, relying on his evidence hold that the workman has received a sum of Rs. 800 in cash in satisfaction of all his demand leading to this reference and there is now no dispute between the parties requiring adjudication.

I accordingly answer the reference while returning the award in terms of the findings made by me.

MOHAN LAL JAIN,

Dated the 19th April, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 507, dated the 20th April, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated the 20th April, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4059-4Lab-76/14956.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Satvik Refractories, Fatehpur Chandela, Railway Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 115 of 1975

between

SHRI CHANDER BHAN, WORKMAN AND THE MANAGEMENT OF M/S SATVIK
REFRACTORIES, FATEH PUR CHANDELA, RAILWAY ROAD, FARIDABAD
AWARD

By order No. ID/FD/75/50296, dated the 14th July, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Satvik Refractories, Fatehpur Chandela, Railway Road, Faridabad and its workman Shri Chander Bhan, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Chander Bhan was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them giving rise to the following issues framed,—*vide* order dated 8th October, 1975:—

- (1) Whether the workman absented from duty with effect from 21st May, 1974 and as such this is a case of Voluntary abandoned the services?

(2) If not, whether the termination of services of Shri Chander Bhan was justified and in order? If not, to what relief is he entitled?

The management absented themselves on 22nd January, 1976, the next date of hearing fixed in the case for recording their evidence, despite being directed to be present and adduce their evidence on that date, with the result that the *ex parte* proceedings were taken up against them.

Shri Chander Bhan workman, as his own witness in *ex parte* evidence had deposed that he never absented himself from duty and the management on the other hand illegally terminated his services in June, 1974, without assigning any reason and that he was entitled to be reinstated in the job of a Moulder held by him on the date of termination of his services on wages of Rs 115 P.M.

see no reason to disbelieve the statement of the workman particularly when the proceedings against the management are *ex parte* and they have not taken care to defend the demand raised on them by the workman leading to the reference.

I thus relying on the statement of Shri Chander Bhan hold that the termination of his services by the management was unjustified and not in order and that he is entitled to be reinstated with continuity of service and full back wages. I answer the reference while returning the award in terms of these findings.

Dated the 22nd April, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 527, dated 23rd April, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 23rd April, 1976.

No. 3488-4Lab-76/14953.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Krishan Lal-Tilak Raj Metal Works, Patri Mohalla, Jagadhri:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 5 of 1975

between

SHRI KAILASH CHAND, WORKMAN AND THE MANAGEMENT OF M/S KRISHAN LAL-TILAK RAJ METAL WORKS, PATRI MOHALLA, JAGADHRI.

AWARD

By order No. ID/A MB/356-B-74, dated 1st January, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Krishan Lal-Tilak Raj Metal Works, Patri Mohalla, Jagadhri and its workman Shri Kailash Chand to this Labour Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Kailash Chand was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this court in response to the usual notices of reference sent to them.

Shri Surinder Kumar, authorised representative for the workman made a statement on 25th March, 1976, before me that the demand raised by the workman on the management, had since been satisfied and the same be treated as withdrawn.

It would thus appear that there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in terms of the findings made by me.

Dated the 2nd April, 1967.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 833, dated 22nd April, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

P. P. CAPRIHAN, Commissioner & Secy.

PUBLIC WORKS DEPARTMENT

IRRIGATION BRANCH

The 20th May, 1976

No. 174/Drainage/Kaithal.—Whereas it appears to the Governor of Haryana that land is likely to be taken by the Government at public expense, for a public purpose, namely, for constructing Mundhari Link Drain from R. D. 2524-2744 in village Mundhari, Tehsil Kaithal, District Kurukshetra, it is hereby notified that the land in the locality specified below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for all to whom it may concern.

In the exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey land in the locality and to all other acts required or permitted by the section.

Any person interested who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification, file an objection in writing before Land Acquisition Collector, Public Works (Irrigation and power) Department, Ambala.

District	Tehsil	Village	Area in acres	Boundary
Kurukshetra	Kaithal	Mundhari	0.042	A strip of land 220 feet in length and 8.25 feet in width lying generally in the direction of North-East to South-West as shown in the index plan falling in fields No.